

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT

FEB 27 2019

FOR THE DISTRICT OF NEW MEXICO

MITCHELL R. ELFERS
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICK BENAVIDEZ and
DAMIAN MARON,

Defendants.

CRIMINAL NO. 19-592 WJ

Count 1: 18 U.S.C. § 1349:

Conspiracy;

Counts 2 and 3: 18 U.S.C. § 1344:

Bank Fraud; 18 U.S.C. § 2: Aiding
and Abetting.INDICTMENT

The Grand Jury charges:

Count 1

1. From on or about April 18, 2013, to on or about May 31, 2013, in Bernalillo County, in the District of New Mexico, and elsewhere, the defendants, **RICK BENAVIDEZ** and **DAMIAN MARON**, knowingly, unlawfully, and willingly combined, conspired, confederated, agreed, and acted interdependently with one another and with others, known and unknown to the Grand Jury, to commit bank fraud, contrary to 18 U.S.C. § 1344.

Manner and Means

2. The manner and means by which the defendants, **RICK BENAVIDEZ** and **DAMIAN MARON**, sought to accomplish the objectives of the conspiracy included, among other things, the following:

- a. Recruiting others to apply for loans to purchase automobiles under false pretenses;
- b. Creating false documents overstating the income of auto loan applicants;

- c. Obtaining loans to purchase automobiles using false information about the income and credit worthiness of the loan applicants;
- d. Receiving proceeds from auto loans obtained through fraud;
- e. Disbursing proceeds of fraudulent auto loans to co-conspirators;
- f. Communicating about fraudulent auto loans by wireless telephone and email.

Overt Acts

3. In furtherance of the conspiracy, and to effect the objects thereof, the following overt acts, among others, were committed in the District of New Mexico, and elsewhere:

- a. On or about April 18, 2013, **BENAVIDEZ** and **MARON** signed a contract with Person 1, whose identity is known to the grand jury, requiring Person 1 to act at the direction of **BENAVIDEZ** and **MARON** for the ostensible purpose of improving Person 1's consumer credit ratings.
- b. On or about May 13, 2013, **BENAVIDEZ** sent an email message to **MARON** containing a driver's license with a false address for Person 1.
- c. On or about May 29, 2013, **BENAVIDEZ** sent Person 1 an email message containing a false bill of sale for a 2007 Mercedes Benz automobile.
- d. On or about May 29, 2013, **BENAVIDEZ** directed Person 1 to "GO TO THE BANK" with the false bill of sale.
- e. On or about May 30, 2013, **MARON** directed Person 1 to apply for an auto loan from Sandia Laboratory Federal Credit Union.

f. On or about May 30, 2013, **MARON** instructed Person 1 to lie about his income in applying for an auto loan at Sandia Laboratory Federal Credit Union.

g. On or about May 31, 2013, **MARON** directed Person 1 to apply for an auto loan from New Mexico Educators Federal Credit Union.

h. On or about May 31, 2013, **MARON** instructed Person 1 to lie about his income in applying for an auto loan at New Mexico Educators Federal Credit Union.

In violation of 18 U.S.C. § 1349.

Count 2

On or about May 30, 2013, in the District of New Mexico, and elsewhere, defendants, **RICK BENAVIDEZ** and **DAMIAN MARON**, knowingly and unlawfully executed and attempted to execute a scheme and artifice to obtain property owned by and under the custody and control of a financial institution by means of false and fraudulent pretenses, representations and promises, in that the defendants caused Person 1, whose identity is known to the grand jury, to make materially false statements to Sandia Laboratory Federal Credit Union in an application for a loan to purchase a 2007 Mercedes Benz automobile.

In violation of 18 U.S.C. §§ 1344(2) and 2.

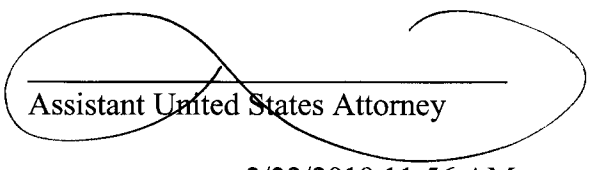
Count 3

On or about May 31, 2013, in the District of New Mexico, and elsewhere, defendants, **RICK BENAVIDEZ** and **DAMIAN MARON**, knowingly and unlawfully executed and attempted to execute a scheme and artifice to obtain property owned by and under the custody and control of a financial institution by means of false and fraudulent pretenses, representations and promises, in that the defendants caused Person 1, whose identity is known to the grand jury,

to make materially false statements to New Mexico Educators Federal Credit Union in an application for a loan to purchase a 2007 Mercedes Benz automobile.

In violation of 18 U.S.C. §§ 1344(2) and 2.

A TRUE BILL:



Assistant United States Attorney

2/22/2019 11:56 AM

/s/
FOREPERSON OF THE GRAND JURY